

REMARKS

Claims 1-3, 7-20, 22-30, 32, 33 and 35 are pending in this application. Claims 3 and 30 are withdrawn from consideration. By this Amendment, claims 1-3, 8-15, 17, 22, 23, 28-30, 33 and 35 are amended to distinguish over the applied references. No new matter is added by this Amendment. Support for the term "mammalian" added throughout the claims may be found throughout the specification, for example, in paragraph [0008] and the example. Support for the amendment to claims 1, 22, 28 and 35 can be found throughout the specification, for example, in paragraph [0032] and Figures 2-8.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (as the amendments amplify issues previously discussed throughout prosecution); (c) satisfy a requirement of form asserted in the previous Office Action; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

The courtesies extended to Applicants' representative by Examiner Saucier at the personal interview held October 11, 2006, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

I. Rejections Under 35 U.S.C. §103(a)**A. Kim**

Claims 1, 2, 7-14, 17-20, 22-29, 32, 33 and 35 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kim et al., "Cryopreservation of Taxus Chinensis

Suspension Cell Cultures," CryoLetters 22, pp. 43-50 (2001) (hereinafter "Kim"). This rejection is respectfully traversed.

The Patent Office alleges that Kim teaches or suggests all of the features recited in the present claims. Applicants respectfully disagree.

Applicants submit that Kim does not teach or suggest a method for preserving living mammalian cellular material as recited in claim 1, or a method for preparing mammalian living cellular material for preservation as recited in claim 28. As admitted by Examiner Saucier during the October 11, 2006 interview, Kim teaches a method of preserving a plant cellular material. Applicants submit that one of ordinary skill in the art understands that a preservation treatment for plant material is not likely to be effective in preservation treatment of mammalian cellular material.

Thus, Kim does not teach or suggest a method for preserving living mammalian cellular material as recited in claim 1, or a method for preparing living mammalian cellular material for preservation as recited in claim 28.

For the foregoing reasons, Applicants submit that Kim does not teach or suggest all of the features recited in claims 1, 2, 7-14, 17-20, 22-29, 32, 33 and 35. Reconsideration and withdrawal of the rejection are thus respectfully requested.

B. Crowe

Claims 1, 2, 7-20, 20-29, 32, 33 and 35 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,770,478 (hereinafter "Crowe"). This rejection is respectfully traversed.

The Patent Office alleges that Crowe teaches or suggests all of the features recited in the present claims. Specifically, the Patent Office alleges that Crowe teaches a non-limiting amount of oligosaccharide, such as trehalose, in the incubation medium, and specifically exemplifies use of 90 mM, i.e., 0.09M, trehalose. Applicants respectfully disagree with the

Patent Office's assertion that Crowe teaches or suggests all of the features recited in the present claims.

Applicants submit that Crowe does not teach or suggest a method for preserving living cellular material or a method of preparing living mammalian cellular material that includes incubating the cellular material in a culture medium that contains from 0.2 to 0.4M sugar as recited in claims 1 and 28.

As acknowledged by the Patent Office and by Examiner Saucier during the October 11, 2006 interview, at most Crowe teaches a culture medium containing 0.09M trehalose. See Example 7 of Crowe. However Crowe clearly teaches against increasing the concentrations of trehalose during incubation. In fact, Crowe teaches that endocytotic uptake route is blocked at sugar concentrations above 0.1M. See column 14, lines 16-17 of Crowe.

As such, Applicants submit that Crowe teaches away from a culture medium containing 0.2 to 0.4M trehalose as recited in the present claims, as Crowe clearly teaches that concentrations above 0.1M of sugar in the culture medium are not desired.

Applicants thus submit that Crowe clearly does not teach or suggest, and in fact teaches away from, incubating the mammalian cellular material in a culture medium that contains from 0.2 to 0.4M sugar, i.e., trehalose, as required in claims 1 and 28.

For the foregoing reasons, Applicants submit that Crowe does not teach or suggest all of the features recited in claims 1, 2, 7-20, 20-29, 32, 33 and 35. Reconsideration and withdrawal of the rejection are thus respectfully requested.

C. Burger

Claims 28, 29, 32, 33 and 35 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Burger et al., "Transport of Some Mono- and Di-Saccharides into Yeast Cells," Biochemical Journal 71: 235-42 (1959) (hereinafter "Burger"). This rejection is respectfully traversed.

The Patent Office alleges that Burger teaches or suggests all of the features recited in the present claims. Applicants respectfully disagree.

Applicants submit that Burger does not teach or suggest a method for preserving living mammalian cellular material as recited in claim 1, or a method for preparing mammalian living cellular material for preservation as recited in claim 28.

As admitted by Examiner Saucier during the October 11, 2006 interview, Burger teaches a method of preserving a plant cellular material. Applicants submit that one of ordinary skill in the art understands that a preservation treatment for plant material is not likely to be effective in preservation treatment of mammalian cellular material.

Thus, Burger does not teach or suggest a method for preserving living mammalian cellular material as recited in claim 1, or a method for preparing living mammalian cellular material for preservation as recited in claim 28.

For the foregoing reasons, Applicants submit that Burger does not teach or suggest all of the features recited in claims 28, 29, 32, 33 and 35. Reconsideration and withdrawal of the rejection are thus respectfully requested.

II. Rejoinder

Applicants submit that upon search, examination and allowance of generic claims 1, 7-19, 22-24, 26 and 27, search and examination should continue as to the non-elected claims 3 and 30, until all claims have been considered and similarly allowed.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-3, 7-20, 22-30, 32, 33 and 35 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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